

INITIAL STATEMENT OF REASONS

Watershed Evaluation and Mitigation Addendum, 2000

[July 28, 2000]

Title 14 of the California Code of Regulations (14 CCR):

Adopt:

§§ <u>916.13 [936.13, 956.13]</u>	<u>Watershed Evaluation and Mitigation Addendum (WEMA)</u>
§§ <u>916.13.1 [936.13.1, 956.13.1]</u>	<u>Pre-Consultation</u>
§§ <u>916.13.2 [936.13.2, 956.13.2]</u>	<u>Notice of Preparation of a WEMA</u>
§§ <u>916.13.3 [936.13.3, 956.13.3]</u>	<u>Notice of Preparation of a WEMA – Distribution by Director</u>
§§ <u>916.13.4 [936.13.4, 956.13.4]</u>	<u>WEMA Submitter Responsibility</u>
§§ <u>916.13.5 [936.13.5, 956.13.5]</u>	<u>Evaluation Area</u>
§§ <u>916.13.6 [936.13.6, 956.13.6]</u>	<u>Standards for WEMA Preparation</u>
§§ <u>916.13.7 [936.13.7, 956.13.7]</u>	<u>Contents of a WEMA</u>
§§ <u>916.13.8 [936.13.8, 956.13.8]</u>	<u>Notice of Submission of a WEMA</u>
§§ <u>916.13.9 [916.13.9, 956.13.9]</u>	<u>Submission of a WEMA</u>
§§ <u>916.13.10 [936.13.10, 956.13.10]</u>	<u>Agency and Public Review of a WEMA</u>
§§ <u>916.13.11 [936.13.11, 956.13.11]</u>	<u>Compliance Monitoring and Expanded Completion Report</u>
§§ <u>916.13.12 [936.13.12, 956.13.12]</u>	<u>Effectiveness Monitoring</u>
§§ <u>916.13.13 [936.13.13, 956.13.13]</u>	<u>Adaptive Management</u>
§§ <u>916.13.14 [936.13.14, 956.13.14]</u>	<u>Subsequent Plans within the WEMA Area</u>
§§ <u>916.13.15 [936.13.15, 956.13.15]</u>	<u>HCP Exemption</u>

Amend:

§ 895	Abbreviations Applicable Throughout Chapter
§ 895.1	Definitions

A new process is being developed by the Board to provide for a watershed level evaluation of the impacts of timber harvesting on salmonids in threatened or impaired watersheds. The process is titled “Watershed Evaluation and Mitigation Addendum” (WEMA). An abbreviation is needed for use within the controlling regulations.

**PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER
CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO
ADDRESS**

The California Forest Practice Rules commonly utilize abbreviations in the regulation text that are recognized by federal and state agencies, as well as the forest products industry representatives. A new process is being developed by the Board to provide for a watershed level evaluation of the impacts of timber harvesting on salmonids in threatened or impaired watersheds. The process is titled “Watershed Evaluation and Mitigation Addendum” (WEMA). An abbreviation is needed for use within the controlling regulations. However, the Forest Practice Rules under section 895 (Abbreviations Applicable Throughout Chapter) do not include this abbreviation in the Forest Practice Rules.

SPECIFIC PURPOSE OF THE REGULATION

The proposed additional abbreviation is intended to ensure that the affected public, as well as the reviewing agencies understand the abbreviation as utilized in the proposed changes to the regulations. This is additionally intended to allow for brevity in the rule language and subsequently to increase the clarity of proposed and existing regulations.

NECESSITY

The proposed additional abbreviation is necessary because the proposed Forest Practice Rules include this abbreviation without an adequate description of the abbreviation. A description of the abbreviation included under 14 CCR § 895 is necessary to ensure that all affected persons can readily access the meaning of the abbreviation when necessary to understand the regulations.

**ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD
AND THE BOARD’S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

**ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT
WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant costs associated with this proposed revision to the Rules. The Board has determined that the potential cost for this regulation would be minimal, consisting of minor printing costs to the State if any costs are incurred. This cost would not exceed the costs normally incurred each year by the Department of Forestry and Fire Protection to print and distribute rule language to field personnel. Therefore, the proposed regulations would not have a significant adverse economic impact on any business.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR § 895.1 Definitions

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The California Forest Practice Rules commonly utilize technical terms in the regulation text that are generally recognized by federal and state agencies, as well as the forest products industry representatives. However, the Forest Practice Rules under section 895.1 (Definitions) do not include a comprehensive listing of applicable definitions for these terms. The definition proposed for addition is not currently listed in the Forest Practice Rules, although the term is proposed for use in the regulation changes presented in this rulemaking package.

The definition proposed for adoption is intended to ensure that the public, as well as the reviewing agencies, understand the term utilized in the proposed changes to the regulations. This will also keep the Rules clear.

SPECIFIC PURPOSE OF THE REGULATION

The proposed addition to the definitions is intended to ensure that the affected public, as well as the reviewing agencies understand the technical term that is utilized in the proposed changes to the regulations. This is additionally intended to allow for brevity in the rule language and subsequently to increase the clarity of proposed and existing regulations.

The addition of the definition of the term "Limiting Factors for Anadromous Salmonids" is intended to provide a common, enforceable definition of the term being utilized in the proposed rule changes so that it is clear to all affected parties which factors are being referenced in the proposed rules.

NECESSITY

The proposed additions to the definitions is necessary because the proposed Forest Practice Rules include a technical term without an adequate description of the term. The definitions of the technical term included under 14 CCR § 895.1 is necessary to ensure that all affected persons can readily access the meaning of the term when necessary to understand and enforce the regulations.

The addition of the definition of the term "Limiting Factors for Anadromous Salmonids" is necessary because the term is utilized in the proposed changes to the regulations, but the existing regulations fail to provide a common, enforceable definition of the term that is being utilized.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives to these proposed regulations were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are no significant costs associated with this proposed revision to the Rules. The Board has determined that the potential cost for this regulation would be minimal, consisting of minor printing costs to the State if any costs are incurred. This cost would not exceed the costs normally incurred each year by the Department of Forestry and Fire Protection to print and distribute rule language to field personnel. Therefore, the proposed regulations would not have a significant adverse economic impact on any business.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13 [936.13, 956.13] Watershed Evaluation and Mitigation Addendum (WEMA)

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The WEMA is provided as an alternative to compliance with the rules adopted for the protection of watersheds with impaired values. The purpose of the WEMA is described as focusing on watershed evaluation and the development of site-specific mitigations. It is made clear that practices proposed in the WEMA must provide for the protection of the beneficial uses of water.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of the regulation is to change from a project by project analysis of the impacts of timber harvesting to a watershed level evaluation. This is to apply in watersheds defined as threatened and impaired for salmonids by the Board.

NECESSITY

The WEMA addendum must be defined to provide the ability to address the effects of timber harvesting on salmonids at the watershed level. The project by project level approach has not proven to be effective for the overall protection of salmonids. The watershed level evaluation is needed to ensure that the potential effects on watercourse temperature, sediment load, and watercourse bed conditions are properly evaluated.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses. This alternative is optional for those businesses that choose to address the effects of timber harvesting at the watershed level.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs

would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.1 [936.13.1, 956.13.1] Pre-Consultation

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The current Timber Harvesting Plan (THP) process is under a California Environmental Quality Act (CEQA) functional equivalent process. It provides that THPs are approved on individually on their own merits. It does include a Cumulative Effects Analysis, but does not, as written, require a full watershed evaluation. There is also a current concern about the effects of timber harvesting on anadromous salmonids.

The THP process provides for an inspection once the THP is submitted before the Director makes a determination of approval. However, there is no formal encouragement for the timberland owner to contact those who may provide valuable information to consider in the development of the THP and the harvesting practices.

This proposal will provide the encouragement to contact those parties with interest to define any potentially significant issues before preparation of a WEMA. Additionally it will provide for the person preparing the WEMA to fully notify the Director of those issues and how they are addressed.

SPECIFIC PURPOSE OF THE REGULATION

This proposal will ensure that a WEMA has a full opportunity for full participation of all parties who may have a significant interest in the final watershed evaluation. Further, it is to provide the Director the information on which to determine what issues exist in the evaluation area and how they are to be addressed in THPs which rely on the WEMA information.

NECESSITY

This proposal provides an encouragement for timberland owners to contact those parties that have a real interest in land management at the watershed level in the definition and solution of possible impacts by timber harvesting. The provision of that information to the Director provides for a full public disclosure under CEQA when reviewing the individual project (THP).

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.2 [936.13.2, 956.13.2] Notice of Preparation of a WEMA

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

This process is for the gathering of information only. The information may be relied on a later date by the Director for a THP. However, the information provided is not approved or disapproved. Regardless, general application would make it appropriate for all parties with interest are made aware of the development of the information contained in a WEMA. A lack of public participation creates distrust and greater opportunity for conflict as well as loss of opportunity to identify issues affecting a watershed that might not be known to the submitter.

SPECIFIC PURPOSE OF THE REGULATION

This process is for the gathering of information only. The information may be relied on a later date by the Director for a THP. However, the information provided is not approved or disapproved. Regardless, general application would make it appropriate for all parties with interest are made aware of the development of the information contained in a WEMA. The provision of notice to the parties of interest and other interested parties provides the opportunity for resolution of potential conflict. It further provides a substantial opportunity to address all potential environmental issues.

NECESSITY

The notice of preparation is necessary to provide the greatest potential to identify areas of public concern, possible environmental impacts, and reasonable solutions.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternative that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale,

data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.3 [936.13.3, 956.13.3] Notice of Preparation of a WEMA-Distribution by Director

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT OR OTHER CONDITION OR CIRCUMSTANCES THE REGULATION IS INTENDED TO ADDRESS.

The public has a long standing with the concern of the impacts of timber harvesting. This is particularly true with the potential impacts on anadromous salmonids. To ensure full public awareness and participation, adequate distribution of the notice of preparation is needed.

SPECIFIC PURPOSE OF THE REGULATION

To ensure public awareness and participation the notice of preparation of a WEMA is provided by the Director.

Necessity

Distribution of the Notice of Preparation of a WEMA will provide for the maximum opportunity for gathering of information in the preparation of the base document. This will provide more complete information for the Director when later reviewing and approving THPs.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

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EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

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The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.123.4 [936.13.4, 956.13.4] WEMA Submitter Responsibility

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The public, parties of interest and the Director all need to have an expectation of consistency on who is to perform what responsibilities. This section sets out those expectations for the WEMA submitter. This includes providing the name and address of the preparer, ensure those preparing the WEMA have the necessary scientific expertise, provide the preparer with complete and correct information on legal rights for the ownership, and sign the WEMA. Without such guidance, the WEMA would tend to be inconsistent among those who submit the documents.

SPECIFIC PURPOSE OF THE REGULATION

The public, parties of interest and the Director all need to have an expectation of consistency on who is to perform what responsibilities. This section sets out those expectations for the WEMA submitter. This includes providing the name and address of

the preparer, ensure those preparing the WEMA have the necessary scientific expertise, provide the preparer with complete and correct information on legal rights for the ownership, and sign the WEMA. This guidance will provide consistency among the WEMA documents.

NECESSITY

To maintain consistency among the expected responsibility for the submitter it is necessary to describe those clearly within the proposed section. It also ensures that appropriate scientific expertise is used in preparation of a WEMA.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible to guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.5 [936.13.5, 956.13.5] Evaluation Area

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

To perform a watershed evaluation there must be limits on the maximum and minimum area of evaluation. If the area is too small, there is little to be gained by the evaluation and it would be more like a project analysis. If it is too large, there is a tendency for the evaluation to become so broad that little site-specific value is gained.

SPECIFIC PURPOSE OF THE REGULATION

The purpose is to set a watershed evaluation area, which will provide meaningful information. That is for the determination of concerns for potential timber harvesting impacts on anadromous salmonids and for the development of a menu of practices to minimize or avoid impacts.

NECESSITY

To perform a watershed evaluation there must be limits on the maximum and minimum area of evaluation. If the area is too small, there is little to be gained by the evaluation and it would be more like a project analysis. If it is too large, there is a tendency for the evaluation to become so broad that little site-specific value is gained.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.6 [936.13.6, 956.13.6] Standards for WEMA Preparation

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

To perform a suitable watershed evaluation standards for the preparation of a WEMA are needed. Again, this provides for consistency of information available to the public, the parties of interest, and the Director. Absent this, the information provided may be random and of little use in the subsequent review of a THP (project).

SPECIFIC PURPOSE OF THE REGULATION

To provide common standards for the development of a WEMA. These standards include ad field evaluation, that practicality and reasonableness guide the sufficiency of information, and that WEMAs use the adaptive management approach.

NECESSITY

To perform a suitable watershed evaluation standards for the preparation of a WEMA are needed. Again, this provides for consistency of information available to the public, the parties of interest, and the Director. Absent this, the information provided may be random and of little use in the subsequent review of a THP (project).

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

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ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

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EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.7 [936.13.7, 956.13.7] Contents of a WEMA

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

To perform a suitable watershed evaluation, standards for the contents of a WEMA are needed. Again, this provides for consistency of information available to the public, the parties of interest, and the Director. Absent this, the information provided may be random and of little use in the subsequent review of a THP (project).

SPECIFIC PURPOSE OF THE REGULATION

To provide common standards for the development of a WEMA. These standards include a map of the WEMA evaluation area with specific items required, specific sediment sources must be shown on the map, aquatic habitat areas shown by type on the map, a synthesis of findings and conclusions about limiting factors for anadromous salmonids, and specifications for a 3-8 year monitoring program.

NECESSITY

To perform a suitable watershed evaluation standards for the contents of a WEMA are needed. Again, this provides for consistency of information available to the public, the

parties of interest, and the Director. Absent this, the information provided may be random and of little use in the subsequent review of a THP (project).

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

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ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

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EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR § 916.13.8 [936.13.8, 956.13.8] Notice of Submission of a WEMA

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The public has held a strong interest in the effects of timber harvesting on anadromous salmonids for a number of years. The development of a watershed level analysis is of at least if not greater interest to the public as the current THP (project) level process.

SPECIFIC PURPOSE OF THE REGULATION

The proposed section will provide the public notice that a WEMA has been submitted and is available for public review. This notice is to be provided within two working days of receipt.

NECESSITY

The public has held a strong interest in the effects of timber harvesting on anadromous salmonids for a number of years. The development of a watershed level analysis is of at least, if not of greater interest to the public as the current THP (project) level process. Public notice will tend to increase public trust in the timber harvesting regulatory process as well as aid in the identification of environmentally sound harvesting practices.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

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The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.9 [936.13.9, 956.13.9] Submission of a WEMA

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The THP public review period is 45 days or longer if agreed to by the THP submitter and the Director. If a document with the amount of information to be contained in WEMA were submitted with a THP there would not be sufficient time to complete the review within the statutory time limits. To resolve this it is necessary to have a WEMA submitted before any THPs are submitted which will rely on the information contained in a WEMA.

SPECIFIC PURPOSE OF THE REGULATION

The purpose is to provide the Director and the public sufficient time to review an informational document, which may be used as an addendum to a THP. This is to be done before any THPs are submitted which may rely on the information contained in the WEMA. This will assist in the development of a strong watershed evaluation and analysis in conjunction with the cumulative effects analysis submitted with a THP. Together, over time, a set of databases will be developed which will improve the ability to define impacts and solutions for the benefit of salmonid maintenance and restoration.

NECESSITY

The THP public review period is 45 days or longer if agreed to by the THP submitter and the Director. If a document with the amount of information to be contained in WEMA were submitted with a THP there would not be sufficient time to complete the review within the statutory time limits. To resolve this it is necessary to have a WEMA submitted before any THPs are submitted which will rely on the information contained in a WEMA.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.10 [936.13.10, 956.13.10] Agency and Public Review of a WEMA

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The WEMA is not a document that receives approval but must meet the regulatory standards of the Board. The effects of timber harvesting on salmonids are of interest to not only the public, but also state and federal agencies. The purpose of the WEMA is to provide an option to conduct a more comprehensive watershed level evaluation than is currently accomplished under the cumulative effects analysis. To achieve this objective, the WEMA must be subject to an interdisciplinary review that provides an opportunity to assess the broad array of natural functions that exist or may be affected by a THP within a watershed.

SPECIFIC PURPOSE OF THE REGULATION

The purpose is to provide the Director and the public, state, and federal agencies the opportunity to review an informational document, which may be used as an addendum to a THP. The review shall include the use of an interdisciplinary team with adequate scientific expertise to evaluate the WEMA. This is to be done before any THPs are submitted which may rely on the information contained in the WEMA. This will assist in the development of a strong watershed evaluation are analysis in conjunction with the cumulative effects analysis submitted with a THP. Together, over time, a set of

databases will be developed which will improve the ability to define impacts and solutions for the benefit of salmonid maintenance and restoration.

NECESSITY

A THP can rely on the information contained in a WEMA for consideration in a separate discretionary decision by the Director on a THP. It is necessary to assure the best information; reasonably available is contained in the WEMA due to the limited review period of the THP process (45 days). Provision of additional information by the public and other government agencies will help attain the goal of an effective watershed level evaluation and mitigation menu.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.11 [936.13.11, 956.13.11] Compliance Monitoring and Expanded Completion Report

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

One purpose of the WEMA is to provide a list of concerns of possible timber harvesting impacts on salmonids and to provide a menu of operating practices to mitigate those impacts. Another purpose is to utilize adaptive management to gain improvement for environmental benefits over time. To achieve this it is imperative that there is a record that the mitigations selected from the WEMA in the THP process are properly implemented. This requires that an inspection by the Department is conducted after operations and erosion control maintenance requirements are met to confirm compliance.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposal is to provide information, which is needed to determine if the operating practices selected from the WEMA and included in a THP were properly implemented. If those practices were properly implemented, they can then be evaluated for their effectiveness. This information is then used in determining if any changes in operating practices (adaptive management) are needed to provide improved protection for salmonids.

NECESSITY

The ability to utilize adaptive management depends on the ability to measure change over time. There are at least two types of monitoring, which are necessary to demonstrate that change. The first is the compliance monitoring which demonstrates that the operating practices selected from the menu in the WEMA were properly implemented. The second is effectiveness monitoring which demonstrates whether those practice provided the habitat maintenance or improvement desired for the salmonids. Without this, adaptive management would dissolve into simple guesses as to what operating practices maintain or improve salmonid habitat.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.12 [936.13.12, 956.13.12] Effectiveness Monitoring

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

One purpose of the WEMA is to provide a list of concerns of possible timber harvesting impacts on anadromous salmonids and to provide a menu of operating practices to mitigate those impacts. Another purpose is to utilize adaptive management to gain improvement for environmental benefits over time. To achieve this it is imperative that there is a record that the mitigations selected from the WEMA in the THP process are properly implemented. This requires that an inspection by the Department is conducted after operations and erosion control maintenance requirements are met to confirm compliance. There is also a need to demonstrate if the selected mitigation measures achieved the goals desired. This must be accomplished by monitoring the effectiveness of those mitigations over time.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposal is to provide information, which is needed to determine if the operating practices selected from the WEMA and included in a THP were effective in maintaining or improving salmonid habitat. If those practices were properly implemented, they can then be evaluated for their effectiveness. This information is then

used in determining if any changes in operating practices (adaptive management) are needed to provide improved protection for salmonids.

NECESSITY

The ability to utilize adaptive management depends on the ability to measure change over time. There are at least two types of monitoring, which are necessary to demonstrate that change. The first is the compliance monitoring which demonstrates that the operating practices selected from the menu in the WEMA were properly implemented. The second is effectiveness monitoring which demonstrates whether those practices provided the habitat maintenance or improvement desired for the salmonids. Without this, adaptive management would dissolve into simple guesses as to what operating practices maintain or improve anadromous salmonid habitat.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.13 [936.13.13, 956.13.13] Adaptive Management

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

One purpose of the WEMA is to provide a list of concerns of possible timber harvesting impacts on anadromous salmonids and to provide a menu of operating practices to mitigate those impacts. Another purpose is to utilize adaptive management to gain improvement for environmental benefits over time. To achieve this it is imperative that there is a record that the mitigations selected from the WEMA in the THP process are properly implemented. This requires that an inspection by the Department is conducted after operations and erosion control maintenance requirements are met to confirm compliance. There is also a need to demonstrate if the selected mitigation measures achieved the goals desired. This must be accomplished by monitoring the effectiveness of those mitigations over time. These two steps allow the timberland owner and WEMA prepare to retain or modify the operating practices such that there is constant improvement on maintenance or improvement of salmonid habitat.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of this proposal is to provide information, which is needed to determine if the operating practices selected from the WEMA and included in a THP were effective in maintaining or improving anadromous salmonid habitat. If those practices were properly implemented, they can then be evaluated for their effectiveness. This information is then used in determining if any changes in operating practices (adaptive management) are needed to provide improved protection for anadromous salmonids.

NECESSITY

The ability to utilize adaptive management depends on the ability to measure change over time. There are at least two types of monitoring, which are necessary to demonstrate that change. The first is the compliance monitoring which demonstrates that the operating practices selected from the menu in the WEMA were properly implemented. The second is effectiveness monitoring which demonstrates whether those practice provided the habitat maintenance or improvement desired for the salmonids. Without this, adaptive management would dissolve into simple guesses as to what operating practices maintain or improve anadromous salmonid habitat.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action.

14 CCR §§ 916.13.14 [936.13.14, 956.13.14] Subsequent Plans Within the WEMA Area

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The WEMA is an addendum to a THP. It is not a discretionary document but information and data that can be relied upon in a THP to support statements and conclusions in the THP and can be used to support the decision of the Director on approval. The information within a WEMA is based on a watershed evaluation area and is valid throughout that evaluation area. Since that information applies to the full evaluation area it can be utilized in the review and decision for any THP within that area. The WEMA will be updated as new information is gathered either from proposed THPs or information gathered from monitoring. There is a reduced cost to the public by providing that once a WEMA process is completed the information may be relied upon for proposed THPs within the evaluation area.

SPECIFIC PURPOSE OF THE REGULATION

The purpose for this proposed rule is to minimize duplication of effort to develop watershed level information. Once the information is developed using a WEMA, this information is valid for the watershed evaluation area with regards to the impacts of timber harvesting.

NECESSITY

The proposed regulation is needed to provide the guidelines for the use of addenda in the WEMA process, in the same way they are used in the full CEQA process. As supporting data and information used in support of a discretionary action. Addenda may be used in reference by documents other than the initial document for which the information or data was prepared.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

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The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible to guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action

14 CCR §§ 916.13.15 [936.13.15, 956.13.15] HCP Exemption

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

The WEMA fills the state need for watershed evaluation, identification of potential impacts to anadromous salmonids, and the development of a menu of mitigations to reduce, eliminate, or avoid impacts. It fills basically the same role as a Habitat Conservation Plan (HCP) under the federal Endangered Species Act. Doing both documents would be an unnecessary duplication of effort. The proposed regulation would accept an HCP as equivalent to a WEMA.

SPECIFIC PURPOSE OF THE REGULATION

The purpose for this proposed rule is to minimize duplication of effort to develop watershed level information. Once the information is developed using a HCP the information is valid for the watershed evaluation area with regards to the impacts of timber harvesting.

NECESSITY

The proposed regulation is needed to provide a reduction in duplication to achieve the same regulatory objectives by both state and federal regulation.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the Board at this time.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Potential cost impact on private persons or directly affected businesses: The rule proposal will have an impact on those who choose to participate in the process. Assessment cost will depend on the scope of analysis, complexity, intensity of review, watershed scale, data availability, and many other variables. It will also have to consider what the costs would have been to prepare the watershed assessment portion of the existing Cumulative Effects Analysis (Board Technical Rule Addendum No. 2).

The cost of implementing mitigations is also difficult to determine. It is possible that a watershed evaluation could define operational practices required under existing rules. It may also result in requiring operational practices with a greater cost than that required under existing rules. Regardless, since the mitigations set forth under these rules are site specific, it is almost impossible guess what they would be let alone the actual cost.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects from the proposed action

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board of Forestry and Fire Protection consulted the following listed information and/or publications as referenced in this *Initial Statement of Reasons*. Unless otherwise noted in this *Initial Statement of Reasons*, the Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

1. Public Resources Code §§ 4551, 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562.5, 4562.7, 4562.9, 4582, and 4584 *et seq.*
2. Barclays Official California Code of Regulations

Pursuant to Government Code § 11346.2(b)(6): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

PROPOSED TEXT

The proposed revisions or additions to the existing rule language is represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations, and

~~STRIKETHROUGH~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.